

Notice of Allowability

Application No.

10/815,663

Applicant(s)

OGAWA ET AL.

Examiner

Art Unit

Kidest Bahta

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 02 April 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) *
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/2/2004 *
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview Mr. Garvey with on September 2, 2004.

The application has been amended as follows:

Claim 6, line 11, after "time data storage means" change ":" to --;--.

Allowable Subject Matter

2. Claims 1-9 are allowed.

The following is an examiner's statement of reasons for allowance:

The allowability of the independent claim 1 resides, at least in part, in that closest prior art of record Kurakake (U. S. Patent 6,625,498) does not disclose or suggest, alone or in combination, determination means for determining whether or not the command read from the program during execution of the program is a time data command set and registered; time data storage and means for, when the read command is determined to be the time data command by the determination means, acquiring the current time from the clock means apart from execution of the original contents of the command, and writing the acquired time as an execution time to the time data storage means in combination with the other elements

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and features of the claimed invention, in combination with the other elements and features of the claimed invention.

The allowability of the independent claim 2 resides, at least in part, in that closest prior art of record Kurakake (U. S. Patent 6,625,498) does not disclose or suggest, alone or in combination, means for, when determined to be the reference time data command set and registered by the determination means, acquiring the current time from the clock means, apart from execution of the original contents of the command, and writing the acquired time to a time data storage means as a reference time; means for when determined to be the elapsed time data command set and registered by the determination means, acquiring the current time from the clock means, apart from the execution of the original contents of the command, calculating the elapsed time from the current time and the reference time and writing the calculated time to the time data storage means as an execution elapsed time, in combination with the other elements and features of the claimed invention.

The allowability of the independent claim 3 resides, at least in part, in that closest prior art of record Kurakake (U. S. Patent 6,625,498) does not disclose or suggest, alone or in combination, determination means for determining whether or not the command read from the command program during execution of the command program is an elapsed time data command set and registered; time data storage means; and means for, when determined to be the elapsed time data command by the determination means, acquiring the elapsed time from the execution time of the last elapsed time data command, apart from the execution of the original contents of the

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elapsed time data command, based on a timekeeping means and writing the acquired time to the time data storage means as the execution elapsed time, in combination with the other elements and features of the claimed invention.

The allowability of the independent claim 4 resides, at least in part, in that closest prior art of record Kurakake (U. S. Patent 6,625,498) does not disclose or suggest, alone or in combination, means for, when determined to be the reference time data command by the determination means, causing the timekeeping means to start measuring time, apart from the execution of the original contents of the command; and means for, when determined to be the elapsed time data command set and registered by the determination means, acquiring the elapsed time measured by the timekeeping means, apart from the execution of the original contents of the command, and writing the acquired time to the time data storage means, in combination with the other elements and features of the claimed invention.

The allowability of the independent claim 6 resides, at least in part, in that closest prior art of record Kurakake (U. S. Patent 6,625,498) does not disclose or suggest, alone or in combination, determination means for determining whether or not the command read from the command program during execution of the program is an elapsed time data command set and registered; time data storage means; and means for, when determined to be the elapsed time data command by the determination means, reading the measured time from the timekeeping means, apart from the execution of the original contents of the elapsed time data command, writing the read time to the time data storage means as the execution elapsed time and resetting the

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timekeeping means to start time measuring, in combination with the other elements and features of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure
4. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, the fax phone for Art Unit 2125 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta

September 2, 2004

